

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. 70-9213

Subproceeding 05-02

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Ricardo S. Martinez, United States District Judge:

The motion for reconsideration filed by the Lummi Nation and Swinomish Indian Tribal Community (Dkt. # 96) is GRANTED. The Court hereby amends the language of the Court's Order dated November 21, 2006, to read as follows:

The Lower Elwha argued, in opposition to dismissal, that a race fishery in Hood Canal would result in destruction of the resource through a "tragedy of the commons." This cannot occur, however, because the total harvest of each stock is subject to conservation regulation. *See, inter alia*, Stipulation and Order Adopting Shellfish Implementation Plan, Dkt. # 17340; Order Adopting Puget Sound Salmon Management Plan, Dkt. # 10180; *U.S. v. Washington*, 384 F. Supp. 312, 402 (W.D.Wash. 1974); *Puyallup Tribe v. Department of Game*, 433 U.S. 165, 177 (1977).

DATED this 3rd day of January, 2007.

BRUCE RIFKIN, Clerk

By: Nealann Skari
Deputy Clerk

MINUTE ORDER